

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:23-CV-00423-WO-JLW

TIMIA CHAPLIN, et al.

Plaintiffs,

v.

WILLIE ROWE, et al.

Defendants.

)
)
) **MOTION TO EXTEND THE TIME TO**
) **RESPOND TO TYLER**
) **TECHNOLOGIES' MOTION TO**
) **DISMISS**
)
)
)

NOW COME Plaintiffs, by and through undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, and hereby respectfully move for permission to extend the time to respond or file an amended complaint in response to Tyler Technologies' motion to dismiss. In support of this motion, Plaintiffs show unto the Court the following:

1. Plaintiffs filed this action on May 23, 2023. ECF No. 1.
2. Plaintiffs served Tyler Technologies with the summons and complaint on August 16, 2023.
3. On September 20, Tyler Technologies filed a motion to dismiss for failure to state a claim. ECF No. 19-20.
4. Plaintiffs require additional time to respond to Tyler Technologies' motion and respectfully request a sixteen (16) day extension to the current deadline, which would allow Plaintiffs up to and including October 27, 2023, to respond or amend in response.

5. Defendants Sheriff Estes and Sheriff Rowe also recently filed motions to dismiss. ECF No. 9, 15. The Court granted extensions of time to respond or amend in response to Sheriff Estes and Sheriff Rowe's motions up to and including October 27, 2023. ECF No. 17.

6. Plaintiffs seek this extension to align the response dates for each defendant and allow for an omnibus response, if permitted by the Court and in the best interest of Plaintiffs.

7. This motion is being filed in good faith and not for the purpose of delaying this action.

8. This matter has not been set for trial. As such, granting this motion will not interfere with a scheduled trial date.

9. Pursuant to Local Civil Rule 6.1, prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendant Tyler Technologies regarding Defendant's position on this motion. Defendant Tyler Technologies does not object.

10. Plaintiffs respectfully submit that good cause exists for granting this motion, based upon the above-described circumstances.

WHEREFORE, Plaintiffs move the to extend the date to respond or amend in response to Defendant Estes motion to dismiss, to October 27, 2023, as set forth in the proposed order submitted with this motion.

This the 2nd day of October 2023.

Respectfully,



Abraham Rubert-Schewel (N.C. Bar # 56863)
TIN FULTON WALKER & OWEN, PLLC
119 E. Main Street

Durham, NC 27701
Tel: (919) 451-9216
schewel@tinfulton.com

Served on all parties: Via ECF